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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,729	07/26/2001	David Brown	P 5256.11003	9441
30615	7590	02/24/2005	EXAMINER	
BIRDWELL & JANKE, LLP 1100 SW SIXTH AVENUE SUITE 1400 PORTLAND, OR 97204			ROSWELL, MICHAEL	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,729

Applicant(s)

BROWN, DAVID

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 34 recites the limitation "said second combination" in the second line of the claim.

There is insufficient antecedent basis for this limitation in the claim. As a result, claims depending from claim 34 are similarly rejected.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-9, 13, 14, 19, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasansky et al (U.S. Patent 5,960,406), hereinafter Rasansky.

Regarding claim 1, Rasansky teaches selecting a calendar unit of time (shown as the monthly, weekly, and daily view selection buttons of Fig. 16B and at col. 17, lines 20-24), causing the display to show all or a selected portion of the selected calendar unit of time (shown as the display of events related to the selected period of time, at col. 17, lines 20-27), partitioning the display in a first dimension into a plurality of time-slots for scheduling appointments (shown as the daily and hourly time slots of Figs. 16A-B), partitioning the display in a second dimension by each of a plurality of consultants with whom the appointments are to

be scheduled (shown as the names or events associated with the date and time slots of Figs. 16A-B), clicking within a first space associated with both a first set of one or more time-slots and a first selected one of the consultants (taught as the selection of check boxes in an hourly grid to indicate selection of desired time slots, at col. 17, lines 50-56), and coding the clicked space with a first predetermined code to indicate selection of said first set of one or more of the time-slots and the first selected said consultant for scheduling a first appointment (taught as the filling of a calendar with "View" records, "Slot" data and representative icons, at col. 14, lines 48-61, and col. 16, lines 8-21).

Regarding claim 2, Rasansky teaches confirming the first appointment by indicating confirmation, taught as the visual confirmation of events, at col. 2, lines 15-21.

Regarding claims 3 and 4, Rasansky teaches sending an e-mail and communicating by telephone to confirm an event, taught as the use of methods such as phone, fax, e-mail and pager to notify a user of a confirmation, at col. 8, lines 17-21.

Regarding claim 5, Rasansky teaches clicking within a second space associated with both a second set of one or more of the time-slots and a second selected one of the consultants, and coding the clicked second space with a second predetermined code contrasting with the first code to indicate selection of a second set of one or more of the time-slots and the second selected consultant for scheduling a second appointment, and to contrast the second appointment and the first appointment, taught as the use of various icons to represent to the user the types of events on the calendar, at Figs. 16A-B.

Regarding claim 6, Rasansky teaches confirming the first appointment by indicating confirmation, taught as the visual confirmation of events, at col. 2, lines 15-21.

Regarding claims 7 and 8, Rasansky teaches sending an e-mail and communicating by telephone to confirm an event, taught as the use of methods such as phone, fax, e-mail and pager to notify a user of a confirmation, at col. 8, lines 17-21.

Regarding claim 9, it can be seen in Figs. 16A-B that the date and time slots are presented to the user in row and column format.

Regarding claim 13, it can be seen from Fig. 18A that Rasansky allows for the view of appointments and events by month.

Regarding claim 14, Rasansky teaches coding days of a month with one or more predetermined codes contrasting with a first code, taught in Fig. 18A as the differentiation of daily events in a month through the use of icons.

Regarding claim 19, Rasansky teaches partitioning a first display in a first dimensions by a plurality of time-slots (shown as the daily and hourly time slots of Figs. 16A-B), partitioning the first display in a second dimension by each of a plurality of events to be scheduled, the first and second partitioning defining clickable spaces (shown as the clickable names or events associated with the date and time slots of Figs. 16A-B), and clicking in a first selected one of the clickable spaces for selecting a first combination of events and time-slots (taught as the

selection of check boxes in an hourly grid to indicate selection of desired time slots, at col. 17, lines 50-56).

Regarding claim 20, Rasansky teaches coding the first selected one of the clickable spaces with a first coding to graphically indicate selection, by a user of the computer interacting with the first display, of the selected first combination, taught as the filling of a calendar with "View" records, "Slot" data and representative icons, at col. 14, lines 48-61, and col. 16, lines 8-21.

Regarding claim 21, Rasansky teaches specifying events as appointments, at col. 15, lines 11-13.

Regarding claim 23, Rasansky teaches clicking in a second selected one of the clickable spaces for selecting a second combination of events and time-slots, and coding the second selected one of the clickable spaces with a second coding to graphically indicate confirmation of the selected second combination, the second coding contrasting with the first coding, taught as the differentiation of event and time-slot coding by way of contrasting icons and text, as shown in Figs. 16A-B, 17A, 17C, 18A and 19A.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasansky and Beckhardt et al (U.S. Patent 6,085,166), hereinafter Beckhardt.

Regarding claim 10, Rasansky has been shown *supra* to teach the coding of appointment time slots by way of icons.

However, Rasansky fails to explicitly teach applying colors to the coded spaces.

Beckhardt teaches methods for an electronic calendar similar to that of Rasansky. Furthermore, Beckhardt discloses the use of shading or coloring in slots or "boxes" of the calendar to indicate the status of various events, at col. 8, lines 3-9.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Rasansky and Beckhardt before him at the time of the invention to modify the coded slots of Rasansky to include the shading or coloring of Beckhardt in order to obtain a calendar that represents events with various shades or colors.

One would be motivated to make such a combination for the obvious advantage of simply and quickly allowing a user to differentiate between types of events and appointments on a schedule.

Regarding claims 11 and 12, the coloring and shading taught by Beckhardt (col. 8, lines 3-9) inherently teach a difference in hue and value, as different colors inherently have different hues and different values.

Regarding claim 15, the color-coding of days of a month to differentiate between elapsed days and the current day are well known in the art. While Rasansky and Beckhardt fail to explicitly teach the color-coding of days of a month to differentiate between elapsed days and

the current day, applications such as Microsoft Outlook display an indicator representative of the current day, and displaying a marking on elapsed days has been well known since the days of paper calendars. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to represent elapsed days and the current day with second and third codes different from a first code. One would be motivated to make such a combination for the advantage of providing the user with simple visual cues that make recognizing days with various statuses easier.

Regarding claims 16-18, the coloring and shading taught above by Beckhardt inherently teach a difference in hue and value, as different colors inherently have different hues and different values.

Claims 22 and 24-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasansky and Microsoft Outlook 2000 (screenshots enclosed), hereinafter Outlook.

Regarding claim 22, it is notoriously well known that appointments, in software such as Outlook of that of Rasansky, may be scheduled for any number of reasons in order to remind the user of upcoming events. These appointments need not be application specific, as Rasansky and Outlook allow the user to type in any information pertaining to an upcoming event. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include information for an appointment wherein the user is a client of a home builder, and the appointment is with a consultant of a design center for assisting in the identification and specification of building materials, as this information

is user-specific and may be entered into the appointment systems of Outlook or Rasansky to remind the user of an upcoming event.

Regarding claim 24, Rasansky teaches coding the first selected one of the clickable spaces within an application for scheduling appointments with a first coding to graphically indicate selection, by a user of the computer interacting with the first display, of the selected first combination, taught as the filling of a calendar with "View" records, "Slot" data, and representative icons, at col. 14, lines 48-61, and col. 16, lines 8-21.

However, Rasansky fails to explicitly teach determining at least two adjacent time-slots as a result of clicking a first selected one of the clickable spaces, wherein the first coding seamlessly codes the at least two adjacent time-slots.

Outlook teaches a method for scheduling appointments, as well as the coding of a first selected clickable space with a coding to graphically indicate selection, by a user of the computer interacting with the first display, of the selected first combination (see Figs. 1 and 2), similar to that of Rasansky. Furthermore, Outlook teaches determining at least two adjacent time-slots as a result of clicking the first selected one of the clickable spaces, wherein the first coding seamlessly codes at least two adjacent time slots (taught as the extending of the length of the appointment through the appointment interface of Fig. 4, which is opened through a double-click of the time-slots of appointments of Fig. 2. The end result appears as the extended coding of Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Rasansky and Outlook before him at the time the invention was made to modify the time-coding of Rasansky to include the seamless multiple time-slot coding of Outlook in order to

obtain a system for scheduling appointments wherein appointments allotted over multiple time-slots are seamlessly coded.

One would be motivated to make such a combination for the advantage of allowing user to quickly recognize the length of time a meeting is scheduled for.

Regarding claims 25 and 26, Outlook teaches determining a plurality of time-slots by recognizing clicking in the plurality of time-slots by the same user and coding the determined time-slots with the same first coding. Outlook allows a user to specify multiple time-slots by way of an initial click on the starting time-slot, followed by a shift-click on a final time-slot, which highlights the starting time-slots through the final time-slots. By then entering a title for the appointment, the block of slots is coded with the same first coding. Multiple time-slots may also be selected by click-and-drag methods, and titled in the same manner.

Regarding claim 27, logging on to a computer is notoriously well known in the art. Outlook teaches the ability to store appointment data over multiple work sessions, and maintains the information after an initial step of clicking in a time-slot, and a second log-on to a computer. Furthermore, by clicking in a space already designated to be an appointment, the user may add particular identifying information at the initial time-slot calendar screen of Fig. 1, or if double-clicking the appointment accesses the appointment screen of Fig. 4, the user may add particular identifying information to the display, the end result shown in Fig. 5.

Regarding claim 28, it is notoriously well known that appointments, in software such as Outlook or that used by Rasansky, may be scheduled for any number of reasons in order to remind the user of upcoming events. These appointments need not be application specific, as Rasansky and Outlook allow the user to type in any information pertaining to an upcoming event. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include identifying information such as real estate corresponding to a user, as this information is user-specific and may be entered into the appointment systems of Outlook or Rasansky to remind the user of an upcoming event.

Regarding claim 29, Rasansky teaches allowing an administrator of the system interacting with a second display to enter identifying information into the system, taught as the manipulation of the Database Subsystem by an administrator using the Administration Subsystem, which stores all persistent information pertaining to client accounts and calendars. See Rasansky, col. 7, lines 63-67 and col. 8, lines 1-16. Furthermore, Rasansky teaches entering identifying information by clicking on a first clickable icon in the administrator's second display, as the use of icons to save and post information. See the "Send" icon of Fig. 17B, wherein upon clicking the icon information is sent to invited users, who can view the information upon viewing the calendar.

Regarding claim 30, Outlook allows a user to click a second one of clickable spaces for selecting a second combination of events and time-slots, and automatically codes the second selected clickable spaces with the first coding, as shown in Fig. 6. Outlook initially color-codes all appointments in the same default color, which may later be changed by a user. Furthermore, Outlook allows for a user to select a second combination of events and time-slots while

maintaining the first appointment information and coding by down-clicking the space between the appointment time and appointment information (see item 1 of Fig. 2), and then selecting a second combination of events and time-slots by dragging down to the preferred time-slot and up-clicking, which effectively moves the time-slot of the selected appointment.

Regarding claim 31, the moving procedure for the selected appointment extinguishes the first coding from the first one of the clickable spaces, and relocates it to the second selected one of the clickable spaces.

Regarding claim 32, Outlook teaches changing the color-coding of an appointment as the user sees fit through use of a pull-down menu in the appointment screen, as shown in Fig. 7, or through the right-click menu shown in Fig. 8. While Outlook does not explicitly teach clicking an icon in the first display to change the first coding of the appointment to a second coding, it is notoriously well known in the art that selected menu items may have the same functionality as selected icons, and are often used interchangeably. For instance, the print icon in the toolbar of Fig. 8 is also represented in the right-click menu, both of which perform the same function.

Regarding claim 33, Rasansky and Outlook have both been shown to teach representing events in their calendars as appointments.

Regarding claim 37, Rasansky teaches allowing an administrator of the system interacting with a second display to enter identifying information into the system, taught as the manipulation of the Database Subsystem by an administrator using the Administration

Subsystem, which stores all persistent information pertaining to client accounts and calendars. See Rasansky, col. 7, lines 63-67 and col. 8, lines 1-16. Outlook teaches the event of the first combination being an appointment, wherein clicking in the first selected one of the clickable spaces causes the first display to display the identifying information corresponding to the consultants in the first selected clickable space, taught as the ability of the user to click the calendar icon at the left side of the screen, which displays any identifying information corresponding to the scheduled appointment (see Fig. 2). Rasansky teaches entering identifying information by clicking on a fist clickable icon in the administrator's second display. See the "Send" icon of Fig. 17B, wherein upon clicking the icon, information is sent to invited users, who can view the information upon viewing their calendar.

Regarding claim 38, it is notoriously well known that appointments, in software such as Outlook of that used by Rasansky, may be scheduled for any number of reasons in order to remind the user of upcoming events. These appointments need not be application specific, as Rasansky and Outlook allow the user to type in any information pertaining to an upcoming event. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include identifying information such as the physical location of real estate corresponding to a user, as this information is user-specific and may be entered into the appointment systems of Outlook or Rasansky to remind the user of an upcoming event.

Regarding claim 39, Rasansky teaches allowing an administrator of the system interacting with a second display to enter identifying information into the system, taught as the manipulation of the Database Subsystem by an administrator using the Administration

Subsystem, which stores all persistent information pertaining to client accounts and calendars.
See Rasansky, col. 7, lines 63-67 and col. 8, lines 1-16.

Regarding claim 40, it is notoriously well known that appointments, in software such as Outlook of that used by Rasansky, may be scheduled for any number of reasons in order to remind the user of upcoming events. These appointments need not be application specific, as Rasansky and Outlook allow the user to type in any information pertaining to an upcoming event. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include identifying information such as a name, phone number, and e-mail address of a consultant in a time-slot pertaining to an appointment with a particular consultant, as this information is user-specific and may be entered into the appointment systems of Outlook or Rasansky to remind the user of an upcoming event.

Regarding claim 41, Outlook teaches the event of the first combination being an appointment with a consultant, wherein clicking in the first selected one of the clickable spaces causes the first display to display the identifying information corresponding to the consultants in the first selected clickable space, taught as the ability of the user to double-click an appointment space to bring up the appointment window of Fig. 4, which displays any identifying information corresponding to the scheduled appointment.

Response to Arguments

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "The time-slots in Rasansky are not partitioned in a second dimension to accept conflicting

information in respective separate spaces that can be clicked on to select one or the other.”

See page 14 of the amendment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments filed 2 September 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Rasansky does not partition a display space into two dimensions, the Examiner respectfully disagrees. The Examiner contends that Rasansky teaches partitioning the display in a first dimension into a plurality of time-slots for scheduling appointments, shown as the times or days listed in the user's calendar, and a second dimension partitioned by a plurality of consultants which whom appointments are to be scheduled, shown as the blocks adjacent to the time-slots, wherein the user may enter information pertaining to the appointment. Rasansky has been shown at length above to teach clicking within a space partitioned in two dimensions, and providing for coding the clicked space to indicate selection of a particular partitioned space for scheduling an appointment.

In response to applicant's argument that Beckhardt fails to teach different colors or shading used to code conflicts for different invitees, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Furthermore, Beckhardt clearly teaches using contrasting color and shading to represent different status events, at col. 8, lines 3-7.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
2/22/2005

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